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THE MEXICAN PEOPLE and THE CHURCH

By ARTURO M. ELIAS
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In the United States

"Let facts be submitted to a candid world."

— *Declaration of Independence*

THE PALACE OF THE HOLY INQUISITION IN MEXICO CITY
(Now the National School of Medicine)

In the dungeons beneath this building were held the victims of the intolerance of perhaps the most cruel institution that ever existed. Among the last countries in which it was abolished was Mexico; but the spiritual terrorism that it exercised for more than two centuries has not yet been entirely banished, as the later history of the Church Hierarchy clearly proves. Deprived of this powerful weapon, the Hierarchy has still struggled to maintain its control over the minds of the people by threatening the superstitious with eternal damnation unless they did the clergy's bidding in this world.

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Foreword

THE United States of America started its great career without an established church and with a determination never to have one. So vital did its people consider freedom from clerical domination that the First Amendment to its Constitution, adopted just as soon as the government was formed, stated that "Congress shall make no law respecting an establishment of religion."

Mexico, on the contrary, after its separation from Spain, started out with an established church and a provision in its Constitution that no other religion should be taught but the Roman Catholic, and the Church was also the richest and most powerful organization in the country. Rich, not because of industry, but because it had exercised an influence which it had minted into millions of wealth, some of which it spent in the struggle to keep its power all through the 19th Century.

The Church's ownership of much of the choicest land and of a great part of the productive wealth when Mexico won independence from the Spanish Crown, is a matter of record. The never-ending struggle which the Church Hierarchy waged to keep its temporal power by keeping its control over the minds of a majority of the people is also a matter of record.

The early Constitutions of Mexico provided that the Roman Catholic was the official religion of the country. The clergy was a privileged class, amenable only to its own Ecclesiastical Courts. It was an enemy of every attempt, however slight, to democratize the country, as it rightly sensed that Democracy is the greatest of all the foes of Special Privilege.

What have been incorrectly called the Religious Laws have in reality nothing to do with religion in the proper meaning of the term. They have to do with an ecclesiastical establishment—a Church Hier-

archy — which had misused religion as a means of building up a great temporal power.

Both English and American writers of the 19th century, who travelled in Mexico and observed the life of the people, have left a wealth of material showing the great power of the Church Hierarchy and the interference of the Church in the most intimate life of the people, and there are scores of books by Mexican writers exposing the tyranny of the clergy.

Recently, an Italian writer, Arnaldo Cipola, in La Stampa, denying the charge that the Catholic clergy of Mexico were mixing in politics, said that "the charge was undoubtedly true during the first years of independence, when the Catholic religion was the only one recognized by the authorities." He added, however, that after Juarez had finally established a Republican form of government "rigidly excluding the clergy from all political activity," such political activity ceased; in other words, that the Constitution and the Reform Laws of Juarez were successful in accomplishing their purpose.

Unfortunately for the progress and the consequent happiness of the Mexican people, Cipola is mistaken in his statement that meddling in the political life of the Mexican people on the part of the Church came to an end with the passage of these laws. If he were right, there would have been no necessity to reiterate and amplify them under Tejada in 1873-74 and again in the new Constitution of 1917.

If one read these various provisions in the Constitution and the Reform Laws with no knowledge of what caused them to be placed there, one would be justified in asking why such provisions and laws dealing with a Church organization should be necessary in a republic. The people of Mexico would indeed have been happy if the necessity of placing them there had never existed. And if the Church Hierarchy had confined itself to legitimate spiritual channels, not a single one of these laws would ever have been enacted.

It was the actions of those administering the affairs of the Church which were responsible for the passage

of these laws. You have an old English proverb which states the case clearly: "It is the criminal and not the hangman who brings dishonor on the house."

For centuries the Church Hierarchy, with some noble exceptions, had committed offenses against the happiness of the Mexican people, and now that Mexico was trying to build a democratic form of government and bring the blessings of liberty to all of its people, this same Hierarchy threw all its power on the side of the old feudal system which had kept the millions in ignorance and penury.

The liberty-loving leaders of the Mexican people, led by the great Benito Juarez, as spotless in character and as fearless in action as your own George Washington, threw down the gauntlet to the Church Hierarchy in the provisions of the Constitution of 1857 and in the Reform Laws of 1859, and the long conflict was begun.

It has not been a war against religion. Those who have led the forces in each generation against the temporal power of the Church have had nothing but respect for true religion. It has been a battle against those who have dared to use the cloak of the Christ to hide their greed for power and earthly riches. It has been a battle to improve the physical and mental conditions of the Mexican people, and thus to give their spiritual life an opportunity to flower. It has been a battle against the forces of darkness whose chief allies were ignorance and intolerance. And this fight will go on until the forces of reaction are utterly routed.

At this time the government of Mexico is being misrepresented in other countries by certain groups supporting the cause of the Church Hierarchy. And in no country is the propaganda directed against it more vigorously than in the United States. The supporters of the Church Hierarchy here, notably the Knights of Columbus, have openly boasted in the public press of the great amounts of money they are going to spend in this work.

The only propaganda those who defend Mexico's attitude wish to make is to place the truth before the

people of the United States, resting secure in the belief that once they know the truth, their sympathy will flow out to their neighbors on the other side of the Rio Grande struggling to establish a real democracy.

This little book has been written to place before the public the true story of the laws dealing with the Church in the Constitution of Mexico. This will enable the readers to get the facts and from them form their own opinions.

Knowing something of the traditions which actuate the political life of the people of the United States, I have no fear that they will reach any conclusion that in the remotest degree will be inimical to the struggle that Mexico is making to establish a social and political system which will bring the largest possible freedom and the greatest possible richness of life, not to a few, but to all of her people.

The Mexican People and the Church

CHAPTER I.

The Background of the Struggle

IN ORDER to grasp the significance of those provisions in the Constitution of 1857 and the Reform Laws of 1859 dealing with the Church, one must know what power the Church has had in Mexico and something of its activities from the Spanish Conquest to the period in which an organized effort was begun to curtail its power and force it by law to confine its energies to spiritual matters.

There is a wealth of historical material to draw from, but in order to remove from the minds of my readers any suspicion that the facts here set forth may have been taken from historians hostile to the Church, they are assured that everything stated in this chapter can be checked up in the Encyclopedia Brittanica. In its dispassionate treatment of Mexican history will be found the statement that immediately after the Conquest by Spain, "the Church rapidly supplemented the work of the conquerors." It is further set down that the natives were "strictly controlled by the friars or the priests."

So great was the power of the Church in colonial days that we find the article in the Brittanica stating:

> "The power of the Church may be judged from the petition of the Ayuntamiento of Mexico to Philip IV (1644)

> to stop the foundation of religious houses, which held half the property in the country, to suspend ordination because there were 6,000 unemployed priests, and to suppress feast days because there were at least two a week."

In 1621 a reforming Viceroy, the Marquis de Gelves, aroused the ire of the Archbishop of Mexico, who laid an interdict on the capital city, excommunicated the Viceroy, and forced him to hide from the mob that was aroused against him. And all this because the Viceroy wanted the regular clergy to deal with the natives in place of the secular clergy.

At times the Church attained to such a height of power that it was able to have ecclesiastics appointed to the Vice-regal office. The Inquisition, which was instituted in 1571 and was not abolished until the early part of the 19th Century, put a most powerful weapon in the hands of the Hierarchy, and was a vital factor in enabling it to amass vast wealth and secure all sorts of special privileges.

So great were these privileges that the clergy, until nearly the middle of the 19th Century, were absolutely exempt from ordinary law and could only be tried by an ecclesiastical court. So great was the wealth of the Church that when Spain, in the last years of the 18th Century, forced by its economic needs to squeeze every cent it could from its colonies, laid hold of the so-called "Benevolent Funds" of the Church, these funds were found to be about $45,000,000, nearly all invested in mortgages on the choicest properties in Mexico.

In Europe, at the beginning of the 19th Century, Napoleon was sweeping all before him, including the Spanish monarchy. Joseph Bonaparte ascended the throne of Spain in place of Fernando. The liberal

groups in Mexico urged the Viceroy to declare the country independent of Spain, but when he proposed the convocation of a national Congress, he was overthrown by a conspiracy of the privileged classes, including the Church Hierarchy, who feared they would lose their privileges through a separation from the Spanish Crown.

In 1810, when Miguel Hidalgo, a devout parish priest, led a revolt against Spanish rule, the Church threw all its power against the movement, and upon Hidalgo's defeat excommunicated him, thus enabling the Spanish authorities to seize him and put him to death. Another Catholic priest, Father Morelos, took his place as leader, and for a time was so successful that he was able to convene a Congress and issue a Constitution. He too was excommunicated by the Church, and suffered the same fate as Hidalgo.

When, in 1820, the liberal Constitution in Spain, which had been repudiated by Fernando, was restored as the result of an uprising there, the Church in Mexico made a quick about-face. To quote the Brittanica:

> "The ecclesiastics and Spaniards, fearing that a Liberal Spanish government would force on them disendowment, toleration and other changes, induced Iturbide, who had already been conspicuous in suppressing the risings, to take the field in order to effect what may be called a reactionary revolution."

Writing of the constant conflicts from that time up until the second election of Porfirio Diaz, the Brittanica says:

> "The conflicts, which may at first sight seem to be merely between rival generals, are seen on closer examination to be mainly (1) between the privileged classes, *i. e.*, the Church and (at times) the army, and the mass

> of the other civilized population; (2) between Centralists and Federalists, the former (the Centralists) being identical with the army, the Church and the supporters of despotism, while the latter (the Federalists) represent the desire for republicanism and local self-government."

Iturbide proclaimed the "Plan of Iguala," which laid down as the basis of the new state the maintenance of the Roman Catholic religion and the privileges of the clergy, the establishment of a limited monarchy, and equality of rights for Spaniards and native-born Mexicans. In 1822, Iturbide had himself elected Emperor. He was overthrown by Santa Ana in 1823. But so powerful was the Church that the new ruler, who proclaimed a Republic, announced that he subscribed to the Plan of Iguala issued by Iturbide; and when the new Constitution was adopted, in 1824, it contained a clause declaring the Roman Catholic religion to be alone recognized.

The next few years were those of almost constant conflict. Santa Ana was deposed several times, but invariably regained the office he had lost.

The Church fished in these muddy waters of armed conflict with great skill, always keeping its privileges. In 1833 Gomez Farias, then in power, assailed the exemption of the clergy and of military officers from the jurisdiction of the civil courts and attempted to relax the monastic bonds.

As a result of this Santa Ana was able to become Dictator and dissolve Congress. When a new Congress thoroughly in his control was summoned, it framed a new Constitution, in 1836, centralizing the Government and reducing popular representation. When, in 1843, a new Centralist Constitution was established, it, according to the Brittanica, "expressly

retained the privileges of the clergy and the army and was in some respects more anti-Liberal than that of 1836."

And now appears the great figure destined to become the Nemesis of the Church Hierarchy in Mexico —Benito Juarez. It is one of the ironies of history that he studied for the priesthood. He turned to the law after having been for a time a teacher. He became Governor of his native state of Oaxaca, and in 1855 became the Minister of Finance in the Cabinet of President Alvarez. Almost immediately he fired the first shot in the battle against clerical privilege, the echo of which is still reverberating in the Mexico of today.

In November, 1855, Juarez secured the enactment of a law subjecting the clergy and the army to the jurisdiction of the ordinary courts. To quote the Brittanica again:

> " 'Benefit of Clergy' was the curse of Mexico. Officers and soldiers could be tried only by courts martial, the clergy (including numbers of persons in minor orders, who were practically laymen) only by ecclesiastical courts."

The proposed reform roused the Clericals to resistance. President Alvarez gave place to his war minister, Comonfort, who represented the less anti-Clerical Liberals. But even Comonfort was far too liberal for the Clericals, and he permitted the drafting of the Constitution of 1857, which contains the foundation of all the legislation curtailing the special privileges of the Church.

At this period an event occurred that had no parallel in the 19th Century and has never been repeated: Pope Pius IX issued a mandate against the Constitution

of a nation, calling upon his spiritual subjects to disobey the laws of their country. And he did it in the most sweeping language. The document concludes with these words:

> "Thus we make known to the faith in Mexico, and to the Catholic universe, that we energetically condemn every decree that the Mexican Government has enacted against the Catholic religion, against the Church, and her sacred ministers and pastors, against her laws, rights, and property, and also against the authority of this Holy See. We raise Our Pontifical Voice with apostolic freedom before you to condemn, reprove, and declare null, void, and without any value, the said decrees, and all others which have been enacted by the civil authorities in such contempt of the ecclesiastical authority of this Holy See, and with such injury to the religion, to the sacred pastors, and illustrious men."

Here is no paltering with the subject. The Church had its own laws, and any law of the State not in consonance with them was "null, void, and without any value." The laws proclaimed by the Mexican Constitution were "against the authority of this Holy See," and were therefore not to be obeyed by good Catholics. Here was no false issue raised as to "religious liberty." The Pope had the courage of his convictions. He knew that the Church had had placed in the previous Mexican Constitutions a provision against religious liberty and that one of the offenses of the Liberals who had framed the new Constitution was in removing this restriction.

The Archbishop of Mexico was as frank as his spiritual superior. He issued orders to the faithful that it was "not lawful to swear allegiance to the Constitution, because its articles were contrary to the institution, doctrine and rites of the Catholic Church." The

Catholic organ, La Sociedad, said, in its issue of December 14, 1858:

> "Our happiness and the safety of our Catholic religion depend upon our close union and obedience to the Vatican, and on our alliance with the Catholic nations of Europe. To the Catholic European world it will be by no means convenient that the Catholic world of America degenerate into Protestantism."

So violent was the protest of the Clericals that Comonfort weakened and agreed to the Plan of Tacubaya, which made him Dictator and provided for the construction of a new Constitution under his auspices. But the Clericals mistrusted him, and he was replaced by a thoroughgoing reactionary, Zuloaga. Pope Pius IX was so pleased with this that he wrote Zuloaga:

> "We have received great consolation from the purport of your letter which shows how earnestly you and your government desire to re-establish relations with this Holy See, and to work assiduously that our Holy Religion may flourish in its height of power in Mexico."

Juarez, by right of his office as Chief Justice of the Supreme Court, succeeded Comonfort and established his government at Vera Cruz. He was recognized by the United States. In 1859 he proclaimed the famous Laws of Reform. These laws nationalized ecclesiastical property to the extent of about $45,000,000, suppressed the religious orders, established civil marriage and registration, transferred the cemeteries to civil control and, to quote the Brittanica, "in short, disestablished the Church."

Having given the background of the events that led up to the proclaiming of these laws, in the succeeding chapters we shall deal with the provisions regarding

the Church in the Constitution of 1857 and the Reform Laws of 1859. Some of the reasons given by those who were influential in placing these laws on the statute books of Mexico will be set forth, and it will be for the reader to decide whether the circumstances justified their being placed there or not.

CHAPTER II.

The Constitution of 1857

The Constituent Congress called to form a new Constitution for Mexico met, just after the revolt, in 1856, in which the clergy, and particularly the Bishop of Puebla, took a leading part, had been put down by the new liberal administration. The cause of this revolt was the measure abolishing clerical and military privileges which had been drawn by Juarez, who was then the Secretary of Justice and Ecclesiastical Affairs.

There was no attempt on the part of the clergy to keep under cover during this revolt, and the friars of the monastery of El Carmen joined openly with the soldiery. The re-establishment of the ecclesiastical and military privileges was proclaimed by the insurgents, as well as the upholding of the Catholic religion to the exclusion of all others. President Comonfort led the loyal remnant of the regular army and a force of citizen followers against the seat of revolt, the city of Puebla. After fourteen days of desperate fighting, the Government forces carried the town, and the mutineers surrendered.

President Comonfort, in spite of the great loss of life and damage to property, issued a decree very mildly punishing the clerical leaders. His gentle treatment of the hierarchy, however, did not result in any change of heart on their part, and when the congress to fashion a new Constitution met, the clergy rallied all the forces of reaction back of their

attempt to prevent any change in the laws which might interfere with their special privileges.

The bitterness of their opposition is shown by an incident which took place in the congress on the 30th of July, 1856. The day before, Francisco Zarco had made a very exhaustive and eloquent address on religious liberty in which he had indicted the Catholic Hierarchy for its intolerance and had made a special plea for full religious liberty. When the next day's session opened, it was found that the reactionaries had filled the galleries with their followers. Soon there began to pour down upon the heads of the delegates broadsides bearing the printed words:

!"Viva el Romano Pontífice y el clero"!
!"El pueblo no quiere la tolerancia"!
!"Mueran los enimigos de la religion Católica"!

(Long live the Roman Pontiff and the clergy! The people do not want tolerance! Death to the enemies of the Catholic religion!)

The Constituent Congress largely represented the growing liberal sentiment of Mexico. It was not in any sense opposed to religion. It did, however, stand for the right of everyone to worship God according to the dictates of his or her conscience. Its members had in the vast majority of cases been brought up in the Catholic faith, but they were opposed to the special privileges given to the Catholic Hierarchy.

Bitter experience had determined them to curb the power of the Church authorities, and thus open the way for a larger political, intellectual and spiritual freedom for the Mexican people. Their true senti-

ments can be found in the preamble to the new Constitution, which began with the sentence: "In the name of God, and by the authority of the Mexican people." They did not deny the claims of religion, but they did deny the right of the Catholic Hierarchy to be recognized as the only representatives of God in this world.

The first article of the Constitution shows the social vision which these men possessed. The first sentence in it read: "The Mexican people recognize that the rights of man are the basis and the object of social institutions." In a world that still condoned chattel slavery this assembly spoke out clearly against that iniquitous institution. Article 2 of the Constitution said: "In the republic all are born free. Slaves who set foot upon the national territory shall recover, by this act alone, their freedom, and enjoy the protection of the law."

The members of the Congress also showed to the world that they understood the vital importance of the development of knowledge if a free republic was to flourish and grow great, in the true sense of that word, for Article 3 began with the statement, "Instruction is free."

Article 4 stated the right of every one to engage in any occupation "suitable to him, and to avail himself of its products." It forbade any infringement of this liberty except "when such exercise infringes the rights of a third party," or "when it offends the rights of society." These statements, wide-sweeping as they were, were general, and it was not until Article 5 was reached, forbidding the "irrevocable sacrifice of the liberty of man, whether by reason of labor, education, or religious vows," that the battle was joined between the

liberal elements and the supporters of the special privileges of the Hierarchy of the Catholic Church.

This provision opened the way to an efficient curtailing of the power of the religious orders, as is shown by its amplification in subsequent legislation. Ignacio Ramirez in defending this article said: "There is nothing here to show the least interference with either religion or religious practices. What it does is to respect freedom by ending all compulsion in matters of conscience. The prevention of the use of force in the matter of religious vows is not only in accord with the spirit of the Gospel, but with our civil law."

José Maria Mata pictured for his fellow members of the Congress the position of a person who, believing that he could best serve God by entering a religious order, changed his point of view, and decided that he could better serve God by living and associating with the rest of society. To force such a one to continue to live up to his previous vows would be "to deliver him to eternal despair." A law permitting such a condition "would be a barbarous and tyrannical law, a law against the rights of freedom of conscience to which every man is entitled."

Francisco de P. Cendéjas said:

> "It is not necessary to be a humanitarian nor to hold what are called 'subversive ideas' to proclaim in the name of humanity and of reason that the keeping of a law compelling the living up to vows is a barbarous oppression. Where life in the cloisters is against the will, it forces one to something that is a thousand times worse than suicide. Such a situation brings about mental disturbances and engenders despair. There is no modern publicist who considers the monasteries useful institutions. No matter how

fanatical one may be in religious matters, he is certainly not so devoid of ideas as not to be able to reason out these questions."

The debate upon this question was most illuminating. Conditions in the convents were dealt with by those who knew whereof they spoke, and some of the statements stung the Hierarchy to the quick. The charges could not be successfully answered, and all that it was possible for the Church authorities to do was to arouse the fanaticism of their followers by charging that those who stood for such a provision in the Constitution were trying to destroy religion.

Two crushing blows were delivered at the power of the Church when the Constituent Congress passed Articles 13 and 27. The first dealt with the *fueros,* which can best be translated by "super-privileges." These super-privileges of the Church placed the priesthood absolutely outside of the power of the civil law. An ecclesiastical court existed, to which alone any member of the religious establishment was responsible. The military establishment also was free from civil control and responsible solely to the military courts. This power in the hands of the Church had been of vital importance to it in placing its yoke upon the shoulders of the Mexican people and keeping it there. The members of the Constituent Congress determined to tear out this iniquitous privilege root and branch, from the governmental system, and passed Article 13, which abolished the Ecclesiastical Courts. It read:

"In the Mexican Republic no one shall be tried according to private laws or by special tribunals. No person or corporation shall have privileges nor enjoy emoluments which are not in compensation for a public service and established by law. Military jurisdiction shall be

> recognized only for the trial of criminal cases having direct connection with military discipline. The law shall clearly define the cases included in this exception."

The Committee of Justice in its report regarding the super-privileges enjoyed by the Ecclesiastics said that their abolition was imperative for two reasons: that their abolition was absolutely in accord with democratic principles, and that the special circumstances in which the Mexican people found themselves required their being swept away. "Without the abolition of these privileges," said the report, "democracy would be impossible, because the foundation of democracy is universal justice. Justice cannot be practiced if super-privileges for individuals or classes are recognized."

In another portion of the report the Committee called the attention of their fellow delegates to the fact that they all knew how difficult it was to obtain justice from the ecclesiastical or military courts, because of the favoritism shown to their own members by those who administered these courts. The revolt, led by the prelates of the Church, that had just been put down at Puebla was brought forward by the committee as an evidence of the danger of the special privileges given the Hierarchy. The committee asked:

> "Who can fail to lay a great share of the evils which we have suffered to the existence of these super-privileges and exemptions for the ecclesiastics—super-privileges that the enemies of progress are defending so strenuously? The committee is convinced that the existence of super-privileges is highly detrimental to the progress of the country."

It will perhaps be surprising to many to know that such super-privileges existed in a republic in the mid-

dle of the 19th Century. But, alas, for the prosperity and the happiness of the Mexican people, they did exist, and the attempt to abolish them bathed the soil of Mexico in the blood of its people, and those who were responsible for the death and misery brought upon the people were the men who had used these super-privileges to eat out the very substance of the producing masses of Mexico.

That portion of Article 27 dealing with the Church said:

> "No religious corporations and institutions of whatever character, denomination, duration or object, nor civil corporations, when under the patronage, direction or administration of the former, or of ministers of any creed, shall have legal capacity to acquire title to, or administer, real property, other than the buildings immediately and directly destined to the services or purposes of the said corporations and institutions. Nor shall they have legal capacity to acquire or administer loans made on such real property."

The Congress tried to make this constitutional provision as sweeping as possible. Attempts had been made before to take back from the Church some of the immense wealth that had been absorbed through its enormous influence and the possession of super-privleges. This wealth had in turn been used to protect all these privileges. It must be wrenched from the greedy hands of the Hierarchy if any degree of democracy was to be realized by the Mexican people. It was all the fruit of the hard toil of the industrious masses, and the aim of the Congress was to return it to the people, organized as a nation. It was in no sense confiscation, but restitution.

The Church Hierarchy knew full well that its wealth gave it power over the lives of men, and that it could

not hold its influence if it ceased to be the richest institution in the social system. It owned a great portion of the best lands of Mexico, and where it did not directly own, it held mortgages on the land. It is small wonder that the Church's absorption of a great portion of the wealth of Mexico was denounced on the floor of the Congress as "a scandalous usurpation," when it is remembered that the Savior whom it pretended to represent on earth is described in the Gospels as one who "had no place to lay His head," and that the same Hierarchy hypocritically demanded from the priesthood the vow of "perpetual poverty."

It was Article 123 that brought down upon the framers of the Constitution a wrath which caused Pope Pius IX to fulminate against all the articles relating to the Church, declaring them "null and void"; a wrath which caused the Archbishop of Mexico to forbid citizens who were Catholics to take an oath of allegiance to the Constitution, and to order them, if they had already taken such an oath, to repudiate it in the confessional; a wrath which caused the Hierarchy to conspire and drive the President from his office, putting in his place Zuloaga, pledged to abolish all the provisions in the Constitution regarding the Church, as well as any other provisions of liberal tendencies.

The first paragraph of Article 123 said:

> "The Federal authorities shall have exclusive power to exercise, in matters of religious worship and outward ecclesiastic forms, such intervention as by law authorized."

Four amendments to this were added later, making the Church and the State independent of each other and forbidding Congress to enact any laws establish-

ing or forbidding any religion; declaring marriage a civil contract; denying religious institutions the right to acquire real estate or capital secured by mortgage on same, except under the provisions of Article 27, and abolishing the religious oath, substituting in its place a simple promise to tell the truth and to comply with obligations entered into.

It was on the 30th of July, 1856, the very day on which the followers of the Church Hierarchy showered from the galleries the threat of "Death to the enemies of the Catholic religion," that Guillermo Prieto, who was afterwards Minister of Finance in the Cabinet of Benito Juarez, made his famous plea for religious tolerance and indicted the greed of the Hierarchy in eating up the substance of the people. Prieto was a statesman of great spiritual and intellectual gifts, as well as a man of action. His fine sense of honor was shown by his refusal while Finance Minister to accept the fees provided by the law for the transfer of Church property to the nation. He had championed with all his talents the adoption of the Reform Laws, and he refused to profit personally by their administration. The reactionaries hated him, and this hatred was increased by the fear of his great ability, always placed at the service of the liberal forces.

In this small book it is impossible to quote much of the material from the debates of the Constituent Congress, which fill two large volumes, but a portion of Guillermo Prieto's address is printed here to show the general trend of thought in that body. Prieto had the rare gift of getting at the meat of a matter in a few words. When he rose to speak, the followers of reaction in the galleries broke out in derisive cries and

hisses. Calmly saying: "I hope that even the adversaries of my opinions will accord me the generosity of silence," Prieto turned to his fellow deputies and began his speech, which was listened to in profound silence. After showing that the mass of the people had been deprived of almost everything that made life worth living, he ended by picturing the ownership of even the burial place of man by the Church, which had taken to itself the power to determine whether or not one's body could lie in "consecrated ground." He said:

> "In order to be buried there they must pay toll to the Church. They are deprived of even an asylum for their bones unless they pass through a taxing place. Thus the Church authorities make of the temple of worship a sentry-box and of the sacred sepulchre a place for the receipt of customs."

To the charge that the liberal forces were persecuting Christianity, because they were endeavoring to wrest from the Hierarchy of the Church the temporal powers they had usurped and used to enslave the minds and bodies of the people, Prieto hurled at his adversaries these words:

> "The Liberal Party the persecutors of Christianity! Do you think the Liberal Party does not know that the spirit of Christianity brought liberty to the world? The party of democracy opposed to Christian reason! That. gentlemen, would be to commit suicide, and in parties, as in men, the first and most powerful instinct is the instinct of self-preservation. The party of fraternity to deny or oppose the religion which says: 'All men are brothers,' and 'Love ye one another'! This would be much more than insanity. It would be impossible. The Liberal Party is the party of the dispossessed, of the sorrowful, of the oppressed; that is to say, it is the party of the people. Think you then that it wishes to do away

with the Cross, the symbol of all consolation, the emblem of our dearest hopes, the sign of the revindication of the most sacred rights of man? No—a thousand times no!"

Charging that it was Churchianity, not Christianity, which was the foe of progress, Prieto said that it was the Hierarchy who had betrayed the pure teachings of Christ, and that in doing so they had "lied to the God invoked by them." It was they who had "calumniated progress and stabbed in the back those civilizing tendencies which had been the means of revealing the venality of those who insisted upon imposing on the world their arbitrary interpretation of Christianity."

It was not meddling in religious affairs for the Government of a people to insist upon religious tolerance. On the contrary, it was a proper respect for the conscience of all the people that led the Constituent Congress to insist upon religious tolerance. "How can we proclaim liberty if we attempt to violate the sacred right of liberty of conscience which is the greatest of all liberties?" asked Prieto. He said that this principle could be proclaimed "with lips purified by the touch of Christ's brow and sustained by a Christian heart such as inspires me."

Picturing the human misery that had been brought upon the world through intolerance, Prieto denied with fiery indignation that any responsibility for it could be laid upon the teachings of Christ.

"Read the Gospels, the preachings of the Apostles or of the Saints, and show me where intolerance is taught. * * * Did the symbol of Redemption ever drip with human blood? Look at the smoke of the fires consuming thousands of human victims through the ages, and can

you discern through the smoke the Altar of God? The blood and the fires are but the manifestation of the cursed power of intolerance. Now that the fires are extinguihsed and the tribunal (the Inquisition) has disappeared, shall the hateful seed remain in our codes? * * * We are told the people 'do not wish tolerance.' Why? They become alarmed on the tolerance question because they are deceived. Deceived because the pulpit becomes a platform of parties; because the monasteries are not the homes of prayer and penance but reactionary clubs."

And then in most scathing words Prieto indicted the practices of some of the members of the Hierarchy:

"Why do they not wish tolerance? Because with tolerance there would be no rich prelate sleeping to the sound of the beggar crying at his door. Because there would be no priest insulting with his luxury his wretched parishoners. With tolerance there would be priests mindful of the law; there would be a guarantee of family ties. And this tolerance that would bring about this change in conditions is called 'a violation of morality and a dissolution of the family.' What impudent superstition! What a disgrace to Catholicism! In those countries where toleration now exists the Cross is considered as a sign of redemption and an emblem of progress."

Only one whose immediate forefathers had lived under the hideous shadows of the Inquisition, which had been abolished but fifty years before, and the sinister spirit of which still troubled the life of his own generation, could have made this speech. And only those of his time could truly appreciate the spirit which actuated the utterances that came from the very depth of Prieto's being.

The Constitution of 1857 came from the soul of a people determined to put an end to the spiritual oppression under which they had suffered for centuries.

But the end of the oppression did not come with the adoption of this Constitution as the basis of their Government. They were destined to many years of struggle against these same forces of intolerance and superstition.

CHAPTER III.

The Laws of Reform

The character of the opposition of the authorities of the Church to the Constitution of 1857, with its rather mild provisions interfering with their special privileges, opened the eyes of the liberals under Juarez to the vital importance of taking further steps to curtail these privileges, and on the 12th of July, 1859, Juarez, as the legal President of Mexico (though he had been driven with his government to Vera Cruz through the machinations of the clergy, who had placed Zuloaga in power in Mexico City) issued the famous Reform Laws which bear his name.

Using the power vested in him by the provisions of the Constitution, he decreed that all the property which the secular and regular clergy had been managing under various titles must come under the dominion of the nation; that there must be perfect independence between the affairs of the state and affairs purely ecclesiastical, that the government would limit itself to the protection of public worship of the Catholic religion, as well as of any other religion; that while ministers would be permitted to accept gifts and oblations in return for the administration of the sacraments and other religious functions, they must not take gifts in the shape of real estate.

He decreed the suppression of religious orders, and forbade the foundation and constitution of new convents or religious orders, and the wearing of the dresses of the orders suppressed. Money provision

was made for members of the suppressed orders, in order to avoid hardship to them, and those who because of sickness or old age were incapacitated were given a much larger money provision. Penalties were provided for disobedience of the law.

While the convents of the nuns were allowed to remain, it was provided that any nun who wished to leave her convent should receive on leaving the sum paid as a dowry on her entrance; and if she had not brought such a dowry and wished to leave, she should receive the sum of 500 Mexican dollars upon leaving the convent.

The political and judicial authorities were ordered to extend all manner of help to those nuns who wished to leave, in order to make effective the payment of the sums to which they were entitled.

In order to prevent the ecclesiastical authorities from transferring the wealth of the Church and thus hiding it, all transfers of wealth to an individual among the clergy, or to anyone else not having received authorization from the Constitutional government, were declared null and void, and those who did receive it had a fine assessed against them of 5 per cent of the value, and provisions for punishment were made, covering any lawyer or witnesses who should take part in such transfer.

The promulgation of the Laws of Reform hastened the action of the Church authorities in their efforts to establish a new government in Mexico. The bringing of a foreign army to Mexico was their answer to the Reform Laws.

The Archbishop of Mexico, La Bastida, went to Paris and began an intrigue with powerful figures

in the court of Napoleon III. The Empress Eugenie was a Spanish countess and a devout Catholic. It is said that the ear of the Emperor was reached through the influence of his wife. Napoleon had dreams of empire in Mexico and Central America, and was easily persuaded to take advantage of the situation then existing in Mexico to use French bayonets to establish an empire there.

Maximilian, Archduke of Austria, a member of the great Catholic Hapsburg family, was selected to become the ruler of Mexico. With the help of a French army he was elevated to the throne, with the title of Maximilian I., in 1864. He quarrelled with his clerical supporters, who thought him too liberal. For a short time he nominally held sway over two-thirds of the country. In the early part of 1866 Napoleon saw that he had all he could do to keep his own throne, and he announced that he was going to withdraw the French army from Mexico, leaving Maximilian without any other force than those few Mexicans who had gathered to the support of his throne. He made overtures to the clericals, who had originally supported him, and, while they rallied to his aid, it was impossible for him to sustain the power he had possessed when the French soldiery were in Mexico.

The government of Juarez had never ceased to function during the entire reign of Maximilian, and its troops began to converge from all sides upon the army of the usurper. The tinsel Emperor and his army were bottled up at Querétaro, and were forced to surrender in May, 1867. The former Austrian Archduke was court-martialed, on a charge of murder and brigandage, and shot.

Thus the two attempts of the Church Hierarchy to install emperors as rulers of Mexico failed; and both of their tools came to a violent end.

The Church Hierarchy and the reactionaries they rallied around them wrote the blackest page in the history of Mexico. They were the only group who ever brought a foreign army upon her soil to help enslave the people.

In September, 1873, when Lerdo de Tejada had become President upon the death of Benito Juarez, it was thought necessary to make some additions to the Laws of Reform based on the Constitution of 1857. The independence of Church and State from each other was reiterated, and matrimony was declared to be a civil contract, just as it is in the United States. The provisions forbidding religious institutions to acquire real estate or capital invested in real estate, except under the terms of the Constitution of 1857, were reiterated. The religious oath with all its effects and penalties was superseded in legal proceedings by "a simple promise to tell the truth." The non-recognition by the law of monastic orders was again proclaimed.

Again, in December 1874, President Tejada decreed the Reform Laws in more definite and amplified form. It was specifically stated that the State "guarantees the exercise of all cults (religions) in the Republic."

No religious celebrations could be recognized officially, and therefore no holidays were authorized except those which had as their object the celebration of civil events.

Sundays were designated as days of rest.

Religious instruction and the practices of any creed were forbidden in public establishments and it was

ordered that the principles of morality be taught in the schools without their reference to any particular religion.

Religious acts or ceremonies must be confined to the interior of churches, and ministers of religion must confine their wearing of distinctive or characteristic robes to the same place.

Ringing of bells was limited to a call to the performance of religious acts.

As soon as a church was known to have been used for other purposes than those of religion, it was to be closed.

Legacies made in favor of ministers or of persons who dwelt with them, where the minister had given spiritual help to the testator in his last sickness, or acted as his confessor, were declared null and void.

Ministers could not enjoy any privileges which would distinguish them before the law from other citizens, and if they advised disobedience to the laws in any assembly, that assembly would lose the guarantee of free discussion granted in Article 9 of the Constitution, and the offending minister would come under the provisions of the penal code.

All meetings taking place in churches must be public, and while religious institutions were free to organize hierarchically as they pleased, such organizations had no legal status before the State, and no minister therefore might present himself officially, as such, to the authorities. He could present himself only as a citizen.

The right of receiving alms or gifts, which had previously been defined, was amplified in the Reform Laws of 1874. It had previously been forbidden to receive gifts in the shape of real estate or titles to same. To this prohibition were added bonds or promises of future payment, whether in the shape of legacies of any other obligation of this sort. All such donations were declared void, and it was ordered that the collection of alms be confined to the interior of churches.

The manner of administering the churches, which according to the law of July 12, 1859 had been nationalized, were set forth in the Reform Laws of 1874, and the non-recognition of monastic orders was again proclaimed, and their foundation absolutely interdicted, and any secret orders which might have been established were declared illegal.

Marriage was again declared a civil contract, and the right to legislate on the civil state of all individuals and to decide the manner in which civil acts should be performed and recorded were stated as belonging to the several states, subject to certain rules laid down by the general government.

It will be noticed in reading these laws that most of them were either an amplification or a reiteration of provisions in the Constitution of 1857 or in the Reform Laws of 1859. The same statement holds good of the very few amendments to the Reform Laws and the Constitution during the Diaz régime. One of these, proclaimed in 1898, restated the State's position of the non-validity of "any contract by virtue of which a man impairs, loses or irrevocably sacrifices his liberty, whether by reason of work, of education or religious vows," and the other, proclaimed in 1901, re-

iterated that religious corporations or institutions did not have legal capacity to acquire ownership or administration of real estate other than that of the buildings which were immediately and directly destined to the service or object of such corporation or institution, nor could they acquire the ownership or administration of capital invested in real estate.

In 1916, because of the laxities that had existed in the enforcement of the laws regarding church property, the Constitutionalists, then in control of the government, calling attention to the fact that the churches had been made the property of the nation by the Reform Laws, issued decrees providing for the manner in which they should be administered, and requiring that an inventory of all the contents of the churches be filed with the authorities. The churches were declared to be on the same basis as property destined to the public service, and subject to the supervision of the Department of the Interior.

CHAPTER IV.

The Constitution of 1917

When the Convention which framed the Constitution of 1917 met, the world was almost a new world compared with that of 1857. The revolution in Mexico, which began with the uprising of the Agrarians led by Madero, was quite a different revolution from any which had preceded it. Besides a political program, it had a very definite social program; and while it reiterated and amplified all of the laws dealing with the ecclesiastical establishment, it went further. In its famous Article 123 it dealt with social legislation, and the Church Hierarchy has shown itself to be as much opposed to the land program and the social program of the liberals in Mexico as it is to the legislaton dealing with the Church. Both the utterances and actions of the spokesmen of the Hierarchy show this opposition. This was the reason why some of them openly backed the revolt led by De la Huerta against President Obregon, the Archbishop of Guadalajara blessing the sword and the army of General Estrada, who was the commander of the western revolt. (It will be remembered that this same General Estrada was arrested a few months ago for trying to cross the border into northern Mexico with a convoy of automobile trucks full of rapid fire guns and rifles.)

The Constitution of 1917 amplified very much the provisions on education in that of 1857. While proclaiming with the old Constitution that "instruction is free," it added:

"That given in public institutions of learning shall be

secular. Primary instruction, whether higher or lower, given in private institutions shall likewise be secular.

"No religious corporation nor minister of any religious creed shall establish or direct schools of primary instruction.

"Private primary schools may be established only subject to official supervision.

"Private instruction in public institutions shall be gratitous."

The opposition of the Church to the public school system has not ceased with the years that have passed since the first provision dealing with education was placed in the Constitution. Professor John Dewey, one of the world's most noted educators, who has recently been in Mexico, wrote in The New Republic of September 23rd, 1926:

"The fact that the country priests have used their enormous influence over the souls of their parishes to oppose the establishment of rural schools has been at least one factor in causing the drastic decree for the laicising of all primary schools."

Article 5, of the 1917 Constitution, regarding "the abridgment, loss or irrevocable sacrifice of the liberty of man, whether by reason of labor, education, or religious vows," is similar to that adopted in 1857, as far as it concerns the monastic bodies.

Article 13 is practically identical with Article 13 in the Constitution of 1857 abolishing the ecclesiastical and military courts.

Article 24 is drawn largely from one section of the Reform Laws of 1874. It reads:

"Every one is free to embrace the religion of his choice, and to practice all ceremonies, devotions or observances of his respective creed, either in places of public worship or

at home, provided they do not constitute an offense punishable by law.

"Every religious act of public worship shall be performed strictly within the places of public worship, which shall be at all times under governmental supervision."

The second portion of the famous Article 27 also consolidates the position of the Mexican nation towards the wealth amassed through centuries of special privilege on the part of the Church. It reads as follows:

"The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property; all such real property or loans as may be at present held by the said religious institutions, either on their own behalf or through third parties, shall vest in the Nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums, or collegiate establishments of religious institutions, convents, or any other buildings built or designed for the administration, propaganda, or teachings of the tenets of any religious creed shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the Nation.

"Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the patronage,

direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious creed, or of their dependents, even though either the former or the latter shall not be in active service."

The same articles in the Constitution of 1857 which provide that the President, Vice-President and Senators and Representatives shall not be ministers of any religious creed are in the Constitution of 1917.

Article 130 of the 1917 Constitution may be said to be the center around which the present storm in Mexico rages. Its first paragraph restates the first paragraph in Article 123 of the 1857 Constitution, which we have referred to as the genesis of all the laws aimed at curtailing the special privileges of the ecclesiastical establishment in Mexico. It reads:

> "The Federal authorities shall have power to exercise in matters of religious worship and outward ecclesiastical forms such intervention as by law authorized. All other officials shall act as auxiliaries to the Federal authorities."

The article then goes on to state that:

> "The Congress shall not enact any law establishing or forbidding any religion whatsoever."

It provides that:

> "Marriage and all other acts relating to the civil status of individuals shall appertain to the exclusive jurisdiction of the civil authorities."

It states that:

> "The law recognizes no juridical personality in the religious institutions known as churches,"

and provides that:

> "Ministers of religious creeds shall be considered as persons exercising a profession, and shall be directly subject to the laws enacted on the matter."

It sets forth that:

> "The State Legislatures shall have the exclusive power of determining the maximum number of ministers of religious creeds, according to the needs of each locality,"

and that:

> "Only a Mexican by birth may be a minister of any religious creed, in Mexico."
>
> "No ministers of religious creeds shall, either in public or private meetings, or in acts of worship or religious propaganda, criticise the fundamental laws of the country, the authorities in particular or the Government in general; they shall have no vote, nor be eligible to office, nor shall they be entitled to assemble for political purposes."

Provisions are made for the procedure to be followed in dedicating new temples of worship for public use, and for the care and maintenance of places of worship, and responsibility is placed on caretakers who, together with the municipal authorities where the church is situated, shall be responsible for the exact performance of all the provisions laid down in this article.

Article 130 also provides that:

> "Under no condition shall studies carried on in institutions devoted to the professional training of ministers of religious creeds be given credit or granted any other dispensation of privilege which shall have for its purpose the accrediting of the said studies in official institutions."

Penalties are provided for the violation of this law.

A provision is also included which says:

> "No periodical publication which either by reason of its program, its title or merely by its general tendencies, is of a religious character, shall comment upon any political affairs of the nation, nor publish any information regard-

ing the acts of the authorities of the country or of private individuals, in so far as the latter have to do with public affairs."

A further provision states:

"Every kind of political association whose name shall bear any word or any indication relating to any religious belief is hereby strictly forbidden. No assemblies of any political character shall be held within places of public worship."

Article 130 concludes with the following provision as to the inheriting of wealth by the clergy:

"No minister of any religious creed may inherit, either on his own behalf or by means of a trustee or otherwise, any real property occupied by any association of religious propaganda or religious or charitable purposes. Ministers of religious creeds are incapable legally of inheriting by will from ministers of the same religious creed or from any private individual to whom they are not related by blood within the fourth degree.

"All real and personal property pertaining to the clergy or to religious institutions shall be governed, in so far as their acquisition by private parties is concerned, in conformity with Article 27 of this Constitution."

(Article 27, it will be remembered, is the Article which deals in detail with the legal capacity of the Church to acquire, hold or administer real property.)

Article 130 ends with the sentence:

"No trial by jury shall ever be granted for the infraction of any of the preceding provisions."

Some of the provisions of Article 130 may seem very drastic to those who have lived in a country where no church has dared to interfere in the life of the people as the Church in Mexico has always done. There is not one provision touching the Church in the Mexican Constitution that has not in reality been

placed there by the Hierarchy itself. Had it been content to devote its energies to developing the spiritual life of the people; had it been faithful to the teachings of the Gospel, there would have been no necessity for any provision in the Mexican Constitution regarding the Church.

It is true that the clergy, in Article 130, are deprived of certain political rights belonging to Mexican citizens. They are deprived of these rights because they have done and are doing everything in their power to keep the people of Mexico from securing political, social and industrial betterment. The Hierarchy's betrayal of the Mexican people compelled them to place these laws in their Constitution as a matter of self-defense, and not as an attempt to punish the clergy.

The Hierarchy has interfered in the past with the progress of the people toward a richer life, and it is interfering with that same progress now. That this is true is proved by the fact that rather than obey the plain mandates of the Constitution, the National League of Religious Defense, dominated by the Church Hierarchy, instituted an economic boycott in an attempt to terrorize the Government into yielding to their demand that the laws should not be put into effect. It was plainly stated by the boycotters that their methods were intended "to paralyze the economic and social life of the country." In other words, to bring such misery upon a people who had suffered for centuries through the misrule of the forces of reaction, that they would turn upon the present Government, which is straining every nerve to better the condition of the people who have entrusted it with the conduct of their affairs.

The Mexican people have determined to gather the fruits of their great revolution and to sweep from their path any power which seeks to stay their progress. In place of being very stern with the Church Hierarchy, they have been exceedingly gentle. The clergy walked out of the churches of Mexico and deprived its people of spiritual consolation, solely of their own volition. The church doors are open to them when they choose to return, but the day of their temporal power has passed, never to return. They must content themselves with performing their legitimate spiritual functions in the life of the Mexican people.

CHAPTER V.

The Church's Alliance With the Enemies of Freedom

The incontrovertible evidence from the records of Mexican history shows that the century-long struggle of its people for freedom has always been opposed by the Church Hierarchy. Religious doctrines have never been involved, as they were in the Reformation in Europe. The Ecclesiastical Establishment sought to retain its special privileges gained under Spanish rule and thus to dominate the lives of the people of Mexico.

The same records show the Church Hierarchy to have supported every President or Dictator who opposed religious liberty and championed ecclesiastic privileges and to have opposed every President who in the slightest degree stood for religious liberty or any curtailment of the special privileges of the Church.

The records also show the Church Hierarchy in opposition to every attempt made to give the people a larger measure of control over their affairs, and reveal the clergy always on the side of centralized power as against the Federal system, such as exists in the United States of America.

The first two liberating leaders of the Mexican people, Fathers Hidalgo and Morelos, the Hierarchy excommunicated, thus making it possible for the Spanish Crown to seize them and put them to death. Only when the Liberals in Spain won power, and for a time put in force a new Liberal Constitution which abol-

ished some of the special privileges of the Church, did the Hierarchy espouse the cause of separation from Spain.

In doing this, however, it was careful to back Iturbide, who issued the Plan of Iguala, which contained among other pledges the following:

> "The establishment of the Roman Catholic Apostolic Religion as the national religion, without toleration for any other.
>
> "The endorsement and protection of all ecclesiastical fueros, privileges and possessions."

It helped place Iturbide on the throne in 1822 as Emperor, and when his short and ridiculous reign came to an end it threw its influence to those leaders who could be depended upon to support a continuance of its special privilege and immunities. The Constitution of the new Republic, passed in 1824, recognized the Catholic religion as the national one to the exclusion of all others, while the enormous Church property was safeguarded and its special privileges, including the iniquitous ecclesiastical courts, were recognized.

When, however, a Liberal candidate for President, Guerrero, was elected in 1829, leaving the Church in control only over the Vice-President, Bustamante, the Hierarchy quickly went into action, and in one year's time it drove Guerrero from the Presidency and put Bustamante in his place. Guerrero, who had been a follower of Hidalgo and Morelos, met the same fate as these two noble priests and patriots.

A few years later the Hierarchy threw its influence to Santa Ana, who was elected President with a Liberal, Farias, as Vice-President. Congress, however, was Liberal by a large majority. The Hierarchy sensed

the danger it was in and had Santa Ana retire on leave of absence, leaving the Vice-President in temporary control.

The Liberal Congress in 1833 established non-sectarian education and suppressed the Church privileges of opening schools and granting diplomas. It followed this up by abolishing the yearly subsidy from the National Treasury to the Church, abolishing the compulsory payments of tithings and taxes to the Church, and releasing the members of all religious orders from their vows.

The Hierarchy struck quickly and vigorously. Santa Ana had retired in order that he might be used in just such an emergency. He appeared in Mexico City, proclaimed the abolition of the Federal System, the restitution of the Central one, dissolved Congress by military force, and promulgated a decree repealing all the enactments passed by Congress against the privileges and power of the Church.

The Archbishop of Mexico issued a Manifesto, saying:

> "His (Santa Ana's) victorious sword has come to the protection of religion, and through his true Catholicism we have regained the peace, liberty and everlasting power of our Church."

Farias, the Liberal Vice-President, was ordered to leave the country on pain of death, and Santa Ana was given a donation of $240,000 by the Hierarchy.

In 1837 Bustamante, a faithful but blundering clerical, became President, and was replaced later by the ever-reappearing Santa Ana. Still later, Santa Ana took power as Dictator, and Bustamante was banish-

ed. Again, Santa Ana, becoming too greedy for money, was overthrown and banished by the clerical influence.

But again, in 1853, Santa Ana became President with the clerical backing, and this time he was warned by their spokesman, Lucas Alaman, in a letter, of just what was expected of him in the office. "It is our will," wrote Alaman, "to sustain the ecclesiastical welfare with splendor and to arrange with the Pope every thing relative to the ecclesiastical administration. We have the moral strength of the United Clergy, and likewise the landowners." In this letter Alaman also warned Santa Ana that the Clericals were absolutely opposed "to everything which bears any relation to popular election."

This same Alaman became Santa Ana's Secretary of State, President of his Cabinet, and virtually his keeper. Immediate laws were promulgated dealing with offenses against the ecclesiastical and civil authorities. Among these offenses were "attacks upon the dogmas of the Church or expressions of doubt in regard to her creed."

The rising Liberal movement against Santa Ana and his Clerical supporters alarmed the Hierarchy, and then began the intrigues with the European powers, in an attempt to retain the special privileges of the Church. We have already dealt in a previous chapter with the overthrow of Santa Ana, the appearance of Juarez on the national field, the Constitution of 1857, the Reform Laws of 1859, the reign of Maximilian, and the Reform Laws of 1873 and 1874, promulgated by Tejada.

The Church Hierarchy was compelled to remain quiescent during the first term of Diaz, who succeeded

Tejada. Porfirio Diaz had been a follower of Juarez and was believed to share some of his anti-Clerical opinions. But when Diaz came to the Presidential chair a second time, in 1884, and virtually became the Dictator of Mexico (in which capacity he continued until 1910) the Clerical party saw its opportunity to regain some of the ground it had lost. As his rule slipped into the hands of the powerful Junta—the Cientificos—the influence of the Hierarchy began to assume its old proportions. Many of the laws so feared and hated by them were not enforced, and in return for this it threw all its influence to the Diaz regime.

Then came the unexpected agrarian revolt in 1910 led by Madero, and the flight of Diaz, followed by the election of Madero as President. All the Democratic principles so obnoxious to the Clericals were championed by the new President. They threw all the power they had regained during the long rule of Diaz against the Madero administration, and when the agrarian leader was murdered, they supported the administration of the reactionary Victoriano Huerta, helping to supply him with funds.

But the rising tide of democracy had been only checked for a short period, and the Constitutionalists challenged the rule of the usurping militarist, Huerta, and drove him from the country. The Church Hierarchy was sternly dealt with, and edicts were issued against the exercise of their special privileges. When the new Constitution was adopted at Querétaro in 1917, the laws dealing with the Church as promulgated in 1857, 1859 and 1874 were reiterated and amplified. Some new provisions were added to meet new conditions.

When the great Revolution ended, a revolution which

made changes in the social fabric of Mexico, the country was exhausted by ten years of internal warfare, and President Alvaro Obregon addressed himself to the physical rehabilitation of the country. The Hierarchy kept much in the shadow; but when, emboldened by the seeming inaction on the part of the Administration toward the curtailment of the Church's power, the Papal Legate openly violated one of the provisions of the Constitution, President Obregon expelled him from the country. When the Hierarchy protested against his action, President Obregon addressed to the Bishops a letter which was one of the most scathing indictments of the abuse of power by the Church and its betrayal of the teachings of Christ that have ever been drawn.

> "The Catholic religion," wrote President Obregon, "requires of its ministrants that they should nourish and guide the souls of believers. The revolution which has just ended requires that the government born of it should nourish the stomach, the brain and the soul of each and every Mexican. In this basic conception of the two programs there is not only nothing mutually exclusive, but there should be on the contrary indisputable harmony. I regret very sincerely that certain members of the high Catholic clergy have not sensed the transformation which has occurred in the minds of the people toward a modern outlook in the course of which ineffectively abstract doctrines have day by day lost their influence, while effective social programs have gained strength. To these latter the high Catholic clergy has not only denied its measure of cooperation but has actually opposed their development with systematic obstruction, particularly in those very features which are essentially Christian and the execution of which in no sense conflicts with the doctrine which the church in theory supports. If there has been any failure of harmony it is due chiefly to the divergence between the clergy's theory and practice.

"It is certainly regrettable that the lack of sincerity of certain members of the Catholic clergy causes a continuation of this ancient struggle, when the two programs could so well cooperate. If instead of continuing to fight, and thereby inevitably losing ground, they would only work with us with the sole purpose of seeking the welfare of the people!

"I therefore call upon you with all the sincerity which characterizes the men of the revolution, and I exhort you for the good of our people that you neither calumniate nor injure the progress of that essentially Christian and humanitarian program which the Government seeks to develop in our country. Its oppressed classes have for many long and bitter years experienced sundry injustices and have missed the spirit of brotherhood and justice which should have prevailed in the directing upper classes, who have neglected the noble part of man's mission on earth and instead exerted all their efforts to pile up their material fortunes. I assure you with all sincerity that not only will you not encounter any obstacle in carrying out the tenets of your religion in this country, but that you will have the support and sympathy of every Mexican. We ask only that no systematic and unjustified obstruction be raised against the popular desires which have acquired such strength in the minds of the people that to deny their existence or to oppose their realization would merely reveal the utter ignorance of whoever should attempt either."

When President Calles succeeded Obregon, he continued the work of rehabilitation, and began, according to legal procedure, to articulate into statute laws the provisions of the Mexican Constitution dealing with the Church. It was this that precipitated the present struggle between the Mexican Government and the Church Hierarchy.

The Church authorities at once took entirely new grounds. It was the 20th Century, the world had moved on, and Papal Manifestoes such as that issued by Pope Pius IX had lost much of their force. Relying

on the lack of knowledge of the people of other countries as to the true story of the career of the Church in Mexico, they appealed to the public opinion of the world on the ground that "religious liberty" was being attacked by the Mexican Government.

The effrontery of this appeal can only be appreciated by those who know the history of the long usurpation of power by the Hierarchy in Mexico and of its centuries of intolerant rule. The only fitting reply to this appeal is that "he who comes into court seeking equity must come there with clean hands;" and the hands of the Church Hierarchy in Mexico have pressed heavily upon generations of the people when they should have been extended to lift them from penury and ignorance to comfort and knowledge.

Aye, even more shameful than this, the hands of the Hierarchy pretending to speak in the name of the Christ have been at times stained red with the blood of the people and with that of many of their noble leaders who have tried to guide them along the road to freedom.

There is no desire on the part of those entrusted with the affairs of the Mexican people at the present time to punish the Hierarchy for its misdeeds in the past. Their sole desire is to make it impossible for the Hierarchy to continue using the Church establishment as a weapon against the liberty loving portion of the Mexican people in their efforts to bring about a new social era, an era in which all the people of Mexico shall be able to enjoy the fruits of their labor. This attitude of the present government has been recently expressed by President Calles in an article written for "Foreign Affairs":

"I wish to lay stress upon the fact that a real religious problem does not exist in Mexico. I mean that there is no such thing as persecution of religious character against religious creeds or opposition on the part of the Government to the dogmas or practices of any religion.

"It is true that the Constitution of Mexico has provisions that the Catholic high clergy consider incompatible with their constant and illegitimate intervention in politics and questions of state, or with their holding economic strength as a means of spiritual influence and a principal factor of domination of a material order. So long as the clergy do not obtain through the legal means and methods contained in the Constitution itself, and through an act of Congress approved by at least one-third of the state legislatures, the derogation or amendment of the provisions that aim at crushing the political strength of the clergy by means of making their properties the property of the nation, the Government fulfills an elemental duty in complying with these laws and enforcing a strict obedience to them. So long as the clergy in Mexico fail to win over the confidence of the great liberal majority of my country (a result that cannot be attained if the clergy, disregarding their high functions, hold to the methods systematically employed so far to secure advantages of a material and political order, unbecoming to their character), I seriously believe that the abolition or amendment of these articles of the Constitution cannot be accomplished."

Mandate of Pope Pius IX.

"Thus we make known to the faith in Mexico, and to the Catholic universe, that we energetically condemn every decree that the Mexican Government has enacted against the Catholic religion, against the Church, and her sacred ministers and pastors, against her laws, rights, and property, and also against the authority of this Holy See. We raise Our Pontifical Voice with apostolic freedom before you to condemn, reprove, and declare null, void, and without any value, the said decrees, and all others which have been enacted by the civil authorities in such contempt of the ecclesiastical authority of this Holy See, and with such injury to the religion, to the sacred pastors, and illustrious men."*

** The above is part of the mandate of Pope Pius IX issued against the 1857 Constitution of the Republic of Mexico. It was this Constitution that contained the genesis of all the laws which the present Church Hierarchy is opposing.*

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